

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application.

**Elections/Restrictions**

Applicant affirms the election to prosecute Group I, claims 1-14 and 36-47.

**Allowable Subject Matter**

Applicant acknowledges the Examiner's statement that claims 37, 39 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**35 U.S.C. § 103**

Claims 1-14, 36, 38 and 40-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,240,555 to Shoff et al. (hereinafter "Shoff") in view of U.S. Patent No. 5,850,249 to Massetti et al. (hereinafter "Massetti").

The subject application is a non-provisional patent application filed April 27, 2000. The subject application has been assigned to WebTV Networks, Inc. (recorded 10/16/2000 at Reel 011187, Frame 0028). WebTV Networks, Inc. was acquired as a wholly owned subsidiary of the Microsoft Corporation in August 1997.

Pursuant to 35 U.S.C. §103(c), which was amended effective Nov. 29, 1999 (Public Law 106-113), subject matter developed by another person, which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant submits that both the subject application and the Shoff reference were owned by, or subject to an obligation of assignment to, the same person at the time the invention of the subject application was made. Given that the filing date of the subject application is after November 29, 1999, Applicant respectfully submits that the Shoff patent is not a useable prior art reference under 35 U.S.C. §103(a) for the subject application.

Applicant submits that Massetti alone fails to disclose or suggest the elements of claims 1-14, 36, 38 and 40-47. Accordingly, Applicant respectfully submits that claims 1-14, 36, 38 and 40-47 of the present application are allowable.

Applicant respectfully requests that the §103 rejections be withdrawn.

**Conclusion**

Claims 1-14 and 36-47 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: Oct. 10, 2003By: Steven R. Sponseller

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